FEDERAL REGISTER

VOLUME 22 NUMBER 36

Washington, Thursday, February 21, 1957

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10699

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for the years 1945 to 1957, inclusive, shall, during the Eighty-fifth Congress, be open to inspection by the Senate Committee on Government Operations, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 19, 1957.

[F. R. Doc. 57-1420; Filed, Feb. 20, 1957; 10:29 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) of § 6.314 is revoked and paragraph (a) (14) is added as set out below.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(14) One Assistant to the Secretary (for Program Analysis).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1385; Filed, Feb. 20, 1957; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Operating Loans

[FHA Instruction 441.3]

PART 342—OPERATING LOAN PROCESSING

MISCELLANEOUS AMENDMENTS

1. Paragraphs (b) and (c) of § 342.2, Title 6, Code of Federal Regulations (22 F. R. 22), are revoked.

2. Section 342.3 (a), Title 6, Code of Federal Regulations (22 F. R. 22), is revised to state the types of loan indebtedness affecting the preparation and submission of the application, and to read as follows:

§ 342.3 *Loan forms and routines*—(a) *Applications for loans.* (1) Applicants who are not indebted for Operating or Production and Subsistence loans will execute Form FHA-197, "Application for FHA Services," in accordance with Part 301, Subpart A, of this chapter.

(2) Applicants who are indebted for Operating or Production and Subsistence loans will not be required to execute Form FHA-197 but will be required to execute Form FHA-49, "Certifications—Operating Loans," in accordance with paragraph (b) of this section. If the financial statement executed by the applicant in connection with his most recent Farmers Home Administration loan does not reflect his current financial situation, a new financial statement will be made on Form FHA-14, "Farm and Home Plan," for use by the County Com-

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

mittee in determining the eligibility of the applicant.

(3) If any debts owed by the applicant to the Farmers Home Administration have been settled for less than payment in full, the loan docket and any related County Office case files will be submitted to the National Office for review prior to approval of the loan.

3. Section 342.6 (a), Title 6, Code of Federal Regulations (22 F. R. 23), is revised to limit the receipt and delivery of loan checks to County Office employees, and to read as follows:

§ 342.6 *Loan closing*—(a) *Check delivery.* Only County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant with a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: February 15, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57–1374; Filed, Feb. 20, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg. No. PR–28]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

MOTIONS TO MODIFY OR QUASH SUBPOENAS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of February 1957.

Section 302.19 (f) of the Board's Rules of Practice in Economic Proceedings presently provides that any person upon whom a subpoena is served may within seven (7) days after service, or at any time prior to the return date thereof, whichever is earlier, file a motion to modify or quash the subpoena. It further provides that if the Board has not acted upon such a motion by the return date, such date shall be stayed pending Board action thereon.

The question has arisen as to whether such a motion to quash a subpoena should be directed to the Examiner or whether it should be acted upon by the Board. It is the Board's view that its proceedings will be expedited and more efficiently processed if motions to quash a subpoena are initially directed to the Examiner and disposed of, by him, in the same manner as all other interlocutory motions are handled. The Board also believes that it is necessary to reserve a discretionary right to review, upon its own initiative, particular adverse rulings made by trial examiners on motions to quash.

Under the present provisions of § 302.19 (a), applications for the issuance of subpoenas must be directed to an Examiner whenever an Examiner has been designated to preside over a proceeding. But, where an Examiner has not yet been assigned to a proceeding or is not available such applications must be directed to the Chief Examiner, who may either act upon them or refer them to a Member of the Board. Subpoenas granted pursuant to the provisions of § 302.19 are issued on an ex parte basis. It is apparent that the Examiner who has initially issued a subpoena will have a greater familiarity with the questions presented in ruling upon a subsequent motion to modify or quash a subpoena than will the Board. In addition, the Board believes that the power to quash subpoenas is an integral part of the power to direct their issuance in the first instance. Accordingly, the Board has decided to amend § 302.19 (f) so as to require motions to modify or quash subpoenas to be filed with the same persons to whom applications for issuance of subpoenas must be directed under § 302.19 (a). Rulings made by Examiners upon such motions to quash may be appealed to the Board only with the consent of the Examiner in accordance with the provisions of § 302.18 (f).

Exercises of the subpoena power, unlike other interlocutory rulings, are judicially enforceable prior to its final decision. Consequently, the Board believes that it is essential to retain jurisdiction over rulings denying motions to quash such subpoenas. Accordingly, the Board has decided to amend § 302.19 (f) so as to retain in extraordinary cases jurisdiction to review rulings made by Examiners concerning such motions, upon its own initiative. This amendment also provides that the Board may, in appropriate cases, order a stay of the return date of subpoenas it has elected to review.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective February 15, 1957:

1. By amending § 302.19 (f) to read as follows:

(f) Subpoenas issued under this section shall be served upon the person to whom directed in accordance with § 302.8 (b). Any person upon whom a subpoena is served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the Examiner designated to preside at the reception of evidence or, in the event an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner for action by himself or by a Member of the Board. If the person to whom the motion to modify or quash the subpoena has been addressed or directed, has not acted upon such a motion by the return date, such date shall be stayed pending his final action thereon. The Board may at any time review, upon its own initiative, the ruling of an Examiner or the Chief Examiner or a member of the Board denying a motion to quash a subpoena. In such cases, the Board may at any time order that the return date of a subpoena which it has elected to review be stayed pending Board action thereon.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1380; Filed, Feb. 20, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6270]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BURKLEIGH CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.135 *Nature:* Product or service; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U. S. C. 45) [Cease and desist order, George Dugdale trading as The Burkleigh Company, Towson, Md.; and Foreign Products Corporation et al., East Orange, N. J., Docket 6270, Feb. 9, 1957]

In the Matter of George Dugdale, an Individual Trading as The Burkleigh Company; and Foreign Products Corporation, a Corporation; and Edgar Kirby, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City importer from England of an alleged soil conditioner and fertilizer designated "Actumus" and a dealer in the product in Towson, Md., with representing falsely in advertising that said product was 100 percent organic humus, activating bacteria which create nitrates and creating fertility in soil, and otherwise misrepresenting its nature, effectiveness, and comparative merits.

Following entry of a consent order disposing of ten of the allegations of false advertising, the remaining four were fully litigated. Thereupon the hearing examiner made his initial decision and order to cease and desist which became on February 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, George Dugdale, an individual, trading as, The Burkleigh Company, and his agents, representatives and employees, and Foreign Products Corporation, a corporation, and its officers, and Edgar Kirby, individually and as an officer of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the act, of the soil conditioner designated as "Actumus" or any other product containing substantially the same ingredients or possessing substantially the same properties, do forthwith cease and desist from representing, directly or by implication:

1. That if poor or depleted soil has reserve stores of any elements necessary for plant growth, Actumus has the selective ability to supply from such stores plant nutrients which may be lacking in the soil.

2. That a balanced supply of plant nutrients is made available at the correct time and speed through the use of Actumus; or that Actumus has any selective propensities with respect to the supply of plant nutrients.

3. That the soil may be organized into specific units through the use of Actumus.

4. That the laws of nature with respect to the supply of organic material or plant growth are in any manner affected by the use of Actumus; or that the use of Actumus assures an adequate supply of organic residue to benefit plant life.

5. That when used as directed the application of Actumus to plants or soil will increase the size of roots to any significant extent.

6. That the use of Actumus will be effective in the removal of weeds.

7. That the application of Actumus to eroded, depleted, or overcropped soil will restore such soil to fertility.

8. That fertilizer does not exist, or that it exists only in the imagination of ignorant people, or that the use of fertilizer is of no benefit to the soil.

9. That one pound of Actumus is equal to half a ton of manure or as effective as sixteen tons of compost; or misrepresenting in any manner the effectiveness of Actumus as compared to manure or compost.

10. That one pound of Actumus will produce 1500 gallons of liquid soil conditioner or that one teaspoonful of Actumus dissolved in twenty gallons of water makes an effective fertilizer or manure.

11. That Actumus is humus or the final and stable end product of conversion of organic matter into humus.

12. That bacteria which create nitrate or other elements necessary for plant growth are activated or made available to plants through the use of Actumus.

13. That Actumus creates or has any effect on the fertility of soil, or acts with increasing effect as a soil conditioner.

14. That Actumus is entirely natural or 100 percent organic, or misrepresenting in any other manner its composition.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 8, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1363; Filed, Feb. 20, 1957; 8:48 a. m.]

[Docket 6601]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTHFIELD MILLS, INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Northfield Mills, Inc. (Northfield, Vt.), et al., Docket 6601, Feb. 7, 1957]

[1] New.

In the Matter of Northfield Mills, Inc., a Corporation, Lebanon Woolen Mills Corporation, a Corporation, Strathmore Woolen Company, a Corporation, and Bernard Goldfine, Individually and as an Officer of Above Corporations, and Frank H. Bussiere, Bernard Casey, Horace Maxwell Goldfine, and Solomon Goldfine, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three affiliated New England manufacturers of wool products with mills in Northfield, Vt.; Lebanon, N. H.; and Boston, Mass., respectively, with vielating the Wool Products Labeling Act through failing to label certain wool products as required; and through overstating the guanaco content of certain fabrics labeled falsely as "70 percent Guanaco—30 percent Wool * * *", and on labels furnished to purchasers to be attached to garments bearing the false information "* * * a blend of 80 percent Wool—20 percent Guanaco" and by similar false statements made in sales contracts, orders, and correspondence—and entry of an agreement for consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on February 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Northfield Mills, Inc., a corporation, Lebanon Woolen Mills Corporation, a corporation, and Strathmore Woolen Company, a corporation, and their officers, and Bernard Goldfine, individually and as an officer of said corporations, and Horace Maxwell Goldfine, individually, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such wool products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each of such wool products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool products, of any

non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool products, or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act.

Provided further that nothing contained in this order shall be construed as limiting any applicable provisions of the Wool Products Labeling Act of 1939 or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents Northfield Mills, Inc., a corporation, Strathmore Woolen Company, a corporation, and their officers, and Bernard Goldfine, individually and as an officer of said corporations, and Horace Maxwell Goldfine, individually, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of piece goods, or other wool products, do forthwith cease and desist from:

1. Misrepresenting by statements or representations, in contracts, orders, confirmations, or other documents, by correspondence or by any other means, the character or amount of the constituent fibers contained in such products.

2. Furnishing to or placing in the hands of others, for use in designating the fiber content of respondents' fabrics or garments made therefrom, stamps, tags, or labels by means of which said fabrics or garments made therefrom may be falsely or deceptively stamped, tagged, labeled, or otherwise identified as to the character or amount of the constituent fibers contained therein, or in any other respect.

It is further ordered, That the complaint be and the same is hereby dismissed as to the respondents Frank H. Bussiere, Bernard Casey and Solomon Goldfine.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1364; Filed, Feb. 20, 1957; 8:48 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

Sec.

AUTHORITY: §§ 1.1 to 1.26 issued under sec. 18, 42 Stat. 216, as amended; 23 U. S. C. 19.

§ 1.1 *Definitions.* For the purposes of the regulations in this part, the following terms shall be construed, respectively, to mean:

(a) *Act.* The Federal-Aid Road Act of July 11, 1916, and all acts amendatory thereof or supplementary thereto (U. S. C. 23), except those provisions which relate to national forest roads and highways, national park and national park approach roads and parkways, and Indian reservation roads.

(b) *Secretary.* The Secretary of Commerce, Department of Commerce.

(c) *Administrator.* The Federal Highway Administrator, Bureau of Public Roads, Department of Commerce.

(d) *Commissioner.* The Commissioner of Public Roads, Bureau of Public Roads, Department of Commerce.

(e) *State.* The 48 States, District of Columbia, Hawaii, Puerto Rico, and Alaska to the extent that the regulations in this part apply to Alaska under section 107 of the Federal-Aid Highway Act of 1956.

(f) *State highway department.* The department of each State government adequately organized and equipped to exercise all the functions incident to operations under the Federal highway legislation and authorized, by the laws of the State, to make final decisions for the State in all matters relating to, and to enter into, on behalf of the State, all contracts and agreements providing for State-Federal cooperative road projects.

(g) *Latest available Federal census.* The latest available Federal decennial census, except for the establishment of "urban area" boundaries as provided in § 1.5.

(h) *Urban area.* An area including and adjacent to a municipality or other urban place of five thousand or more population as shown by the latest available Federal census.

(i) *Rural areas.* All areas of the State not included in "urban areas."

(j) *1954 secondary road plan.* The plan under which a State requests that the Secretary of Commerce discharge his responsibility relative to certain statutory duties pertaining to secondary roads by receiving and approving a statement certified by the State highway department, all as more fully set forth in, and pursuant to, the second, third, and fourth provisos of section 1 of the Federal-aid Highway Act of 1954.

(k) *Interstate system.* The National System of Interstate and Defense Highways.

§ 1.2 *Purpose.* (a) To establish the pattern for a long-range program of highway development designed for the national and civil defense and to serve the major classes of highway traffic broadly defined as (1) interstate or interregional, (2) intercity or intrastate, (3) rural secondary or farm-to-market, and (4) intra-urban;

(b) To recognize the State highway department as the legal representative of the State including all government subdivisions in the administration of the act within each State;

(c) To provide for a more comprehensive rural-road program through cooperation between the State highway department, the county or other appropriate local road officials, and the Bureau of Public Roads in connection with the Federal-aid secondary systems;

(d) To insure continuity in the direction of expenditures to accomplish the objectives of the long-range program by the selection of road systems and by annual improvement programs of projects lying upon each system;

(e) To create for the purposes of the act "urban areas" which are urban in character and which may include suburban communities outside municipal boundaries and to make provision for aiding the planning and development of arterial highways to serve such areas;

(f) To accelerate the construction of the Federal-aid highway systems and the prompt completion of the Interstate System.

§ 1.3 *Organization and powers of State highway department.* Each State shall maintain at its own expense a State highway department as defined in § 1.1, having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by the act and by the regulations in this part. From time to time as the Secretary may determine, there shall be furnished to him, by or on behalf of a State, information concerning: (a) Laws affecting roads and the authority of the State and local officials in

reference to the acquisition of rights-of-way, construction, maintenance, and control of roads; (b) the State highway department, how equipped and organized; (c) constitutional and legislative provisions relative to revenues for the administration, construction, reconstruction, and maintenance of roads; and (d) funds that will be available to meet the State's share of the cost of construction work to be performed and the sources of such funds.

§ 1.4 *Selection and designation of highway systems.* (a) The highway systems designated to become the pattern for the long-range development of adequate highway service shall be so selected as to form an integrated net within each State and with like systems at State boundaries. There is no predetermined time limit for the submission of the full selection of the systems and no fixed maximum for the mileage of the systems other than the specific limitations of the act.

(b) The extent of the overall mileage of the systems as finally approved shall be determined by the ratio of the estimated annual income that will be available from all sources for, and the estimated annual costs of, the maintenance, construction, and reconstruction of the mileage included in the long-range program and shall be so balanced as to permit completion of the initial improvements within a reasonable period of years. The conservation and development of natural resources and of economic and social values, particularly those encouraging desirable land utilization, by providing adequately improved and maintained highways are to be given greater weight in the selection of routes for inclusion in the several systems than is the existing numerical traffic volume.

(c) The highway systems to be selected and designated in accord with the requirements of the act are:

(1) The Interstate System as required by section 7 of the Federal-Aid Highway Act of 1944, as amended by section 108 (1) of the Federal-Aid Highway Act of 1956, including such toll roads, bridges and tunnels as may be approved as part of the Interstate System pursuant to section 113 of the 1956 Act.

(2) The Federal-aid highway system as now constituted and approved, with such revisions as may be approved.

(3) A Federal-aid secondary system as required by the act. The roads selected shall be roads not included in the Federal-aid highway system and shall be exclusively within "rural areas," except that in States which have a population density exceeding 200 per square mile, roads and streets within "urban areas" may be included; and also except for approved extensions of the secondary system within urban areas. The system so selected in cooperation with local road officials shall be submitted to the Administrator in the form required by him and shall be subject to his approval.

(d) An extension of a secondary system into an urban area may be approved where such extension connects the point from which the extension is made with another point on the secondary system outside of the urban area either by direct connection, using the secondary system exclusively, or an indirect connection which uses a portion of another Federal-aid system. Any such extension may be financed only with urban funds. This paragraph does not affect the statutory right of those States which have a population density exceeding 200 per square mile to include in the secondary system roads and streets within urban areas.

(e) All revisions of systems, including transfers from one system to another, are subject to approval by the Administrator. However, approval of revisions of any section of the Interstate System between such control points as may be established, on which section an interstate project has been constructed, or is under actual construction, with Federal-aid funds, will be given only under the most unusual circumstances and conditions, which would clearly justify such approval.

§ 1.5 *Establishment of "urban area" boundaries.* Prior to the inclusion in a proposed program of any project involving funds authorized for urban areas, the boundaries of the particular urban area or areas involved shall be submitted by the State highway department and approved by the Administrator, in accord with the terms of the act. For the purposes of this section, the term "latest available Federal census" as used in the act, shall mean the latest published official census, decennial or special. Projects in urban areas for which the boundaries have been established may be approved prior to the determination of the boundaries of all urban areas within a State.

§ 1.6 *Programs of proposed projects.* Each State highway department shall prepare and submit to the Administrator for approval detailed programs of proposed projects for the utilization of any apportionment of funds made to the State under the provisions of the act. Projects for construction on the Federal-aid secondary system shall be selected and the specifications with respect thereto shall be determined by the State highway department and the appropriate local officials in coperation with each other, subject to approval by the Administrator as provided by the act. These programs shall be in such form and shall be supported by such information as the Administrator may require. Prior to the inclusion in the program of projects lying off the approved systems, the routes of which such projects form an integral part shall be submitted by the State highway department and approved by the Administrator as routes of the appropriate system.

§ 1.7 *Project statements.* (a) The program required by § 1.6 may be accepted as constituting the project statement referred to in the act.

(b) The Administrator shall not authorize the advertisement of any project and shall not concur in the award of any contract for any project until the program which includes such project has been approved.

§ 1.8 *Surveys, plans, specifications, and estimates.* (a) Surveys, plans, specifications, and estimates for all projects shall be prepared by or under the immediate direction of the State highway department and shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards governing form and arrangement prescribed by the Administrator.

(b) (1) The State highway department may utilize the services of well-qualified and suitably equipped engineering organizations of counties, municipalities, or other local subdivisions, acting under its direction, for making surveys, preparing plans, specifications, and estimates, and for supervising the construction of any project. Inasmuch as the act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required, no part of the cost of maintaining the central office of a State highway department or the central office of any publicly maintained engineering organization which may be utilized by the State shall be paid with Federal funds.

(2) The State highway department may utilize the services of the engineering organizations of the affected railroad companies for railway-highway crossing projects subject to the same limitations as to the general overhead costs.

(3) The services of consulting engineers and private engineering organizations may be utilized on a contract basis for design, preparation of plans, specifications, and estimates, and in special cases for construction engineering other than general supervision, only under one or more of the following circumstances: (i) The work is of unusual character requiring highly specialized knowledge and experience; (ii) it would not be possible to enlarge the staff of personnel available to the State so as to perform the engineering services on the project within a reasonable time; or (iii) the State has a program substantially larger than normal or expected in future years and it desires to employ consulting engineers rather than build up its organization for a comparatively short period.

(c) Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory by the authorized representative of the Administrator, and the State has been so notified, no project or part thereof shall be advertised for contract.

(d) Specifications for individual secondary road projects in those States adopting the 1954 Secondary Road Plan are not subject to approval by the Administrator.

(e) If any part of the cost of a project is to be provided by a county, municipality, or other local subdivision of a State, the State highway department shall determine the official actions to be taken by, and shall enter into such agreements with, the appropriate local officials as the department shall find desirable to safeguard its responsibility under the act for the fulfillment of the project agree-

ment and the continuous maintenance of the project.

§ 1.9 *Project agreement.* (a) A project agreement between the State highway department and the Administrator shall be executed for each project on a form furnished by the Administrator. No payment on any project shall be made by the United States unless and until such agreement has been executed, nor on account of costs incurred prior to authorization by the authorized representative of the Administrator.

(b) Subsequent to execution of the project agreement no change shall be made which will increase the cost of a project to the Federal Government or alter its termini, type, or other conditions except upon agreement with the Administrator.

(c) Agreements for the construction of projects on the Interstate System shall contain clauses relating to use of and access to rights-of-way required by section 112 of the Federal-Aid Highway Act of 1956.

§ 1.10 *Construction and contracts.* (a) Actual construction work shall be performed by contract awarded by competitive bidding under such procedures as may be required by this part and by the operating procedures and instructions issued by the Administrator unless the Administrator shall affirmatively find that under the circumstances relating to a given project some other method is in the public interest. Before any work is undertaken by direct labor, the State highway department shall determine that the organization that is to undertake the work is able and equipped to perform such work at costs which are reasonable and which compare favorably with similar contract work.

(b) No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Administrator that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money. An advertising period of 2 weeks may be accepted, provided a suitable mailing list of contractors is maintained by a State highway department to whom notices of new work are mailed, and public advertisement is inserted at least once a week for 2 weeks in such publications as will insure adequate publicity, the first insertion to be 2 weeks prior to the opening of bids. In case of emergency an advertising period of less than 2 weeks, or another method insuring competitive prices, may be approved.

(c) All contracts for the construction of highways under the act shall require the contractor to furnish all materials entering into the work, except as otherwise authorized by the prior approval of the Administrator. No requirement shall be contained in any contract entered into by any State providing price differentials for, requiring the use of, or otherwise discriminating in favor of materials produced within the State.

(d) No procedure or requirement shall be approved which, in the judgment of the Secretary, is designed or may operate to prevent the submission of a bid by, or the award of a contract to, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed, such as laws or regulations which require the licensing of a contractor before he may submit a bid or which prohibit the consideration of a bid submitted by a contractor not so licensed, or rules which govern the prequalification of contractors by which the amount of work that may be awarded to a contractor is limited otherwise than by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record.

(e) No contract for any project or part thereof shall be entered into or award therefor made by any State without prior concurrence in such action by the Administrator, and no alteration in the contract subsequently shall be made without the approval of the Administrator. Prior to concurrence by the Administrator in any proposed award of a contract for work financed in whole or in part with funds made available under the Federal-Aid Highway Act of 1954 or subsequent acts, the State shall furnish a sworn statement executed by, or on behalf of, the successful bidder to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(f) Where bids for a project are received on alternate types of construction, the award of contract shall be made to the responsible bidder submitting the lowest acceptable bid irrespective of type, unless it be satisfactorily shown that it is in the public interest to accept a higher bid.

(g) All contracts for projects under the act shall contain suitable stipulations designed to insure that the contractor shall perform with his own organization work amounting to not less than 50 percent of the combined value of all items of work covered by the contract for each project: *Provided, however,* That any work under the contract which will require highly specialized knowledge, craftsmanship, or equipment not ordinarily available in contracting organizations qualified to bid on the project, may be designated and shown in the advertised specifications as "Specialty Items" and the items so designated may be performed by subcontract without regard to the above limitation.

(h) No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, or process for a distinctive type of construction unless purchased or obtained on open actual competitive bidding at the same or less cost than unpatented articles or methods, if any, equally suitable for the same purpose, or unless the State highway department certifies (1) that such material, specification or process is essential for synchronization with existing operating equipment or (2) that no equally suitable alternate exists: *Provided, however,* That patented or proprietary articles or methods of reasonable cost which constitute minor elements of a contract item may be specified and paid for if purchased in competition with one or more equally suitable patented or proprietary articles or methods or if information is included in the advertisement stating the price at which such patented or proprietary articles or methods are available to all contractors. Manufactured patented or proprietary articles which constitute a major part of the cost of a contract item may be specified and paid for if competition is assured with unpatented or nonproprietary articles or between two or more manufactured patented or proprietary articles accepted as equally suitable for the same purpose. Nothing in this section shall be construed as a prohibition against the use of any patented or proprietary material, specification, or process for a distinctive type of construction on relatively short sections of road for experimental purposes.

(i) Construction engineering and inspection charges reimbursable with Federal funds shall be limited to the salaries of individuals directly employed on a project and to other necessary costs incurred in connection with such engineering and inspection.

(j) Federal funds may be used to reimburse the State for the cost of relocation, as defined in section 111 (c) of the Federal-Aid Highway Act of 1956, of publicly, privately or cooperatively owned utility facilities, including railroads, necessitated by the construction of any project. Such reimbursement shall not exceed the regular Federal pro rata share of the cost of such work actually paid by the State or its political subdivisions. When the State submits a project for approval which proposes Federal participation in the cost of relocation of a utility facility located on an existing public highway, right-of-way, it shall certify that payment to the utility does not violate State or local law or a legal contract between the utility and the State or its subdivisions.

(k) The procedures being followed in each State with respect to the award of contracts by competitive bidding shall be designed to bring about the letting of contracts at the lowest cost consonant with capable performance under circumstances permitting a fair and adequate opportunity for the submission of bids. Such procedures shall conform with all pertinent provisions of this part and with all pertinent operating procedures and instructions now or hereafter issued. In the event a review by the Administrator discloses any procedures deemed by him to be contrary to the aforesaid purposes, the provisions of this part, or the operating procedures and instructions, then the Administrator shall require that such procedures shall be changed in order to conform to such purposes, regulations of this part, operating procedures and instructions.

(l) Suitable provisions shall be included in all contracts for projects under the act designed (1) to insure full compliance with all applicable Federal, State and local laws governing safety, health and sanitation, and (2) to require that the contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility or as the contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

§ 1.11 *Rights-of-Way.* (a) Federal participation in the cost of rights-of-way acquired by a State or political subdivision thereof shall be restricted to the costs of rights-of-way actually acquired and dedicated for highway purposes subsequent to the date of approval or acceptance of the program which includes the project for which such costs are incurred. Such costs may include costs incurred and paid, pursuant to State law, for damages to property, resulting from the taking of the rights-of-way or construction of the highway. Such costs may include costs for portions of rights-of-way acquired for future highway use. Only such costs that actually result in disbursement from public highway funds of the State or political subdivision thereof shall be eligible for reimbursement. However, reimbursement may be made in proper cases for costs actually incurred in the readjustment, repair, or restoration of facilities or improvements made necessary by reason of the construction of the highway.

(b) Before the Administrator institutes proceedings, at the request of any State, to acquire lands or interests in lands for projects on the Interstate System, the State shall declare and fully explain its inability to acquire such lands or interests in lands or its inability to acquire them with sufficient promptness, shall agree to reimburse to the Federal Government the State's pro rata share of the costs incurred in acquiring such lands or interests in lands, and shall agree to accept such lands or interests in lands thus acquired.

(c) The rights-of-way provided for Federal-aid highway projects shall be held inviolate for public highway purposes. No project shall be accepted as complete until all encroachments have been removed from the rights-of-way. No signs (other than those specified in § 1.17), posters, billboards, automotive service stations or other commercial establishments for serving motor vehicle users, roadside stands, or any other private installations shall be permitted within the right-of-way limits; neither shall any portion of the rights-of-way be used in connection with any private business or undertaking. Exceptions to the provisions of this paragraph may be made under circumstances approved by the Administrator on portions of rights-of-way acquired for future use.

§ 1.12 *Labor and employment.* (a) No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under the regulations in this part.

(b) The selection of labor to be employed on any work undertaken under the act in each State shall be in conformity with the laws of such State.

(c) All laborers and mechanics employed by contractors or subcontractors on projects on the Interstate System authorized under section 108 of the Federal-Aid Highway Act of 1956 shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor after consultation with the State highway department in accordance with section 115 of that Act. Such minimum wage rates shall be set out in the advertised specifications, bid proposal, and contract for the project. The published notice to bidders shall contain a statement that the minimum wage rates predetermined by the Secretary of Labor for the project are set out in the advertised specifications and bid proposal, and that such rates will be made a part of the contract covering the project.

(d) The Administrator shall prescribe such procedures as he deems necessary to be followed by the State highway department in order to insure that all laborers and mechanics employed by contractors and subcontractors on any project referred to in paragraph (c) of this section are paid wages at rates not less than those predetermined by the Secretary of Labor and set forth in the contract.

(e) All contracts, except those for the construction of projects referred to under paragraph (c) of this section, shall prescribe the minimum rates of wages for skilled, intermediate, and unskilled labor, as predetermined by the State highway department, which contractors or subcontractors shall pay, and such minimum rates shall be stated in the specifications advertised in the call for bids on the proposed project.

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item thereof. Subject to the approval and project agreement procedure provided for construction projects, not to exceed 1½ percent of the amount apportioned for any year to each State for expenditure on the Federal-aid primary highway system, the Federal-aid secondary highway system, the Federal-aid primary highway system in urban areas, and the Interstate System, respectively, shall be used for highway planning and research projects, and the funds programed for such purposes may be pooled and administered as a single fund for the financing of the various items of work. Pending the submission and approval of the final detailed program, 1½ percent of the amount apportioned for any year to each State for expenditure on each of said Federal-aid systems shall be programed for highway planning and research projects.

§ 1.14 *Railway-highway crossing projects.* (a) Before a project for the elimination of hazards at a railway-highway crossing shall be approved for construction, either (1) an agreement shall have been entered into between the State highway department and the railroad concerned; or (2) an order authorizing the project shall have been issued by the State public utility commission. Such agreement or order shall contain provisions covering construction, maintenance, and railroad contributions relating to the project, which conform to, and are not inconsistent with, the policies, classifications of projects and procedures prescribed by the Administrator.

(b) State laws pursuant to which contributions are imposed upon railroads for the elimination of hazards at railway-highway crossings shall be held not to apply to Federal-aid projects.

§ 1.15 *Coordination of airport and highway location.* Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to, or closed or impaired by, an airport constructed or extended after December 20, 1944 unless, prior to such construction or extension, the State highway department and the Bureau of Public Roads have concurred with the officials in charge of the airport that the location or extension of such airport and the consequent reconstruction or relocation of the highway are in the public interest.

§ 1.16 *Maintenance of projects.* (a) Maintenance of all projects constructed under the provisions of the act shall be the responsibility of the State except as provided in paragraph (c) of this section and for those projects or portions thereof which may be eliminated from the Federal-aid highway system or from the Federal-aid secondary system through relocation in connection with further improvement of a project. The State highway department, acting under the laws of the State, may provide for the maintenance of Federal-aid projects by agreement with municipal or other local authorities, but the responsibility of the State to maintain such projects satisfactorily remains unchanged under the requirements of section 14 of the Federal Highway Act as amended by section 6 of the Federal-Aid Highway Act of 1950.

(b) A project for which the State highway department proposes to provide maintenance by an agreement with a municipality or a county shall not be approved if any project previously improved with Federal funds under the provisions of the Federal Highway Act, as amended and supplemented, which the said county or other subdivision has agreed to maintain, is not being satisfactorily maintained, or shall not be approved until such previously improved project shall have been placed in a proper condition of maintenance, as determined by the Administrator.

(c) The Administrator shall determine the extent to which Federal-aid funds apportioned to the Territory of

Alaska may be expended for maintenance of roads within the system or systems selected and designated pursuant to section 107 (a) of the Federal-Aid Highway Act of 1956.

§ 1.17 *Traffic signs and signals.* All signs and traffic-control devices and other protective structures, whether paid for from Federal or other funds, erected on or in connection with highways or structures on which Federal funds are expended, shall be in conformity with such standards as may be adopted by the American Association of State Highway Officials, approved by the State highway department, and concurred in by the Administrator.

§ 1.18 *Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.* If the Secretary shall find at any time that lesser amounts of the revenues derived from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in any State are required by its laws to be applied to highway purposes than were required to be so applied by the laws of such State on June 18, 1934, he shall take such action as he may deem necessary to comply with the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), by reducing the first Federal-aid apportionment made to a State after the date of a finding that such State has diverted contrary to the aforesaid act, by an amount not in excess of one-third of the total apportionment to which the State otherwise would be entitled under the Federal-Aid Road Act of 1916, as amended. In any such reduction, each class of apportioned Federal-aid funds; namely, primary, secondary, urban, and interstate, shall bear the same proportionate share of the reduction.

§ 1.19 *Records and cost keeping.* (a) Such records of the cost of construction, of inspection, of tests, and of maintenance done by or on behalf of the State, shall be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Administrator, the amount and nature of the expenditure for these purposes.

(b) The records required by paragraph (a) of this section for each project, together with all supporting documents, shall be retained for a period of three years after the payment of the final voucher, and shall be open at all times to inspection by the Administrator, or his authorized representatives, and copies thereof shall be furnished when requested.

§ 1.20 *Payments.* Vouchers in the form provided by the Administrator and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of the project or as the work progresses.

§ 1.21 *Advance of funds.* If necessary to enable any State highway department to make prompt payments for acquisition of rights-of-way and for construction as it progresses, the Administrator may advance the Federal share of the cost of such acquisition or construction to any State in such manner and subject to such conditions as he may prescribe.

§ 1.22 *Delegation of authority.* The Administrator shall perform the functions vested in the Secretary by the act except for the following: (a) Making regulations; (b) functions reserved to the Secretary by these regulations; (c) apportioning Federal-aid road funds among the States; and (d) functions reserved to the Secretary by internal directives and administrative regulations of the Department. The Administrator may redelegate any power or authority conferred upon him by this section to the Commissioner or to any official or officials of the Bureau of Public Roads as in his judgment will result in economy and efficiency in effectuating the purposes of the act and the regulations in this part.

§ 1.23 *Operating procedures and instructions.* The Administrator is hereby authorized to issue such operating procedures and instructions not in conflict with the act or with the regulations in this part as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and the regulations in this part, and all such operating procedures and instructions issued by him shall be and continue in full force and effect from the date on which issued or made effective until modified or revoked by him.

§ 1.24 *Public hearings.* The Administrator shall prescribe procedures for State highway departments to follow with respect to public hearings on any Federal-aid highway project involving the bypassing of, or going through, any city, town or village, incorporated or unincorporated, pursuant to the provisions of section 116 (c) of the Federal-Aid Highway Act of 1956.

§ 1.25 *1954 Secondary Road Plan.* Any State may come under the 1954 Secondary Road Plan with the approval of the Administrator pursuant to such operating procedures and instructions as the Administrator may from time to time prescribe. Such approval will remain in effect at the discretion of the Administrator. Any State, District, or Territory which comes under the 1954 Secondary Road Plan shall not be subject in connection with secondary road projects to the following sections of this part: §§ 1.8 (a), (b) (3) and (c); 1.10 (a), (b), (c), (d), (e), (f), (g), (h), the last sentence of (j), and (k); 1.12 (b), (c), (d) and (e).

§ 1.26 *Application of regulations.* The regulations in this part shall take effect upon publication in the FEDERAL REGISTER and shall supersede all regulations heretofore in effect for carrying out the provisions of the act.

Dated: February 15, 1957.

Recommended:

B. D. TALLAMY,
Federal Highway Administrator.

Issued:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-1349; Filed, Feb. 20, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6225]

PARTS 182, 195, 198, 220, 221, 225, 230, 235, AND 240

PLATS AND PLANS

Correction

In Federal Register Document 57-1249, published at page 979 of the issue for Saturday, February 16, 1957, the Treasury Decision number should read "6225", as set forth above.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order-VII-6, Supp. 14]

DMO VII-6—EXPANSION GOALS

LIQUID OXYGEN AND LIQUID NITROGEN FOR DEFENSE USE

1. Defense Mobilization Order-VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented by adding to List III, Open, the following new expansion goal:

Goal No. and title
229 Liquid Oxygen and Liquid Nitrogen for Defense Use.

Delegate agency
Commerce.

2. This supplement shall be effective on February 18, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1347; Filed, Feb. 20, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SPECIAL ALLOWANCE

Immediately following § 4.480, a new centerhead and the following sections are added as follows:

SPECIAL ALLOWANCE UNDER SECTION 405, PUBLIC LAW 881, 84TH CONGRESS

Sec.
4.485 General.
4.486 Death; service connection.
4.487 Claim.
4.488 Certification from Social Security Administration.

AUTHORITY: §§ 4.485 to 4.488 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 405, Pub. Law 881, 84th Cong.

§ 4.485 *General.* The provisions of the special allowance regulations under section 405, Public Law 881, 84th Congress, are applicable to the payment of a special allowance by the Veterans Administration to the surviving dependents of a member of a uniformed service who served after September 15, 1940, and who died on or after January 1, 1957, as a result of such service and who was not a fully and currently insured individual under Title II of the Social Security Act.

§ 4.486 *Death; service connection.* (a) The special allowance shall be payable only if the death occurred:

(1) While on active duty, active duty for training, or inactive duty training as a member of a uniformed service (line of duty is not a factor); or

(2) As the result of a disease or injury which was incurred or aggravated in line of duty while on active duty or active duty for training, or an injury which was incurred or aggravated in line of duty while on inactive duty training, as a member of a uniformed service after September 15, 1940, if the veteran was discharged or released from the period of such active duty, active duty for training, or inactive duty training under conditions other than dishonorable.

(b) Where the veteran died after separation from service:

(1) Discharge from service must have been under conditions other than dishonorable as outlined in § 4.435.

(2) Line of duty and service connection will be determined as outlined in § 4.436.

§ 4.487 *Claim.* A claim for dependency and indemnity compensation on VA Form VB 8–534, VB 8–535, VB 8–4182 or VB 8–4183 will be accepted as a claim for the special allowance where it is determined that this benefit is payable or where a specific inquiry concerning entitlement to the special allowance is received.

§ 4.488 *Certification from Social Security Administration.* Payment of the special allowance will be authorized on the basis of a certification from Social Security Administration. Award actions subsequent to the original award, including adjustment and discontinuance, will be made in accordance with new certifications from Social Security Administration.

This regulation is effective February 21, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–1376; Filed, Feb. 20, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC–43]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

RENTAL OF EQUIPMENT TO PRIVATE CARRIERS AND SHIPPERS WITHOUT DRIVERS

FEBRUARY 14, 1957.

The Commission has adopted Form BMC 79 "Application for Approval of Contract Carrier Rental Contract under Authority of Section 207.6 (b) of Ex Parte No. MC–43" [1] as the form of application for submitting for approval under § 207.6 (b) rental agreements to rent equipment without drivers to private carriers or shippers. An original and three copies should be filed with the appropriate field representative of the Bureau of Motor Carriers.

Copies of the form are being distributed today to the field offices of the Bureau of Motor Carriers and may be obtained at such offices or by addressing a request therefor to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington 25, D. C.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–1285; Filed, Feb. 19, 1957; 1:03 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1392]

[58115]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 794 OF JANUARY 23, 1952, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 794 of January 23, 1952, as amended by Public Land Order No. 840 of June 19, 1952, withdrawing public lands in Alaska for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 2 S., R. 3 E., unsurveyed,
Secs. 1, 2, 11, and 12;
Sec., 14, N½ and W½SW¼;
Sec. 23, W½NW¼;
Sec. 26, S½NW¼ and NE¼NW¼.
T. 2 S., R. 4 E., unsurveyed,
Sec. 6, NW¼ and S½;
Sec. 7;
Sec. 8, SW¼.

The areas described aggregate 4,440 acres.

2. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711) and subject to the requirements of the act, the Territory of Alaska shall be entitled until May 16, 1957, to a preferred right of selection of the lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights and the requirements of applicable law, the restored lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m. on March 23, 1957, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m. on June 22, 1957, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the non-mineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 23, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on June 22, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on June 22, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on June 22, 1957.

[1] Filed as part of the original document.

4. Persons claiming veteran's preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 15, 1957.

[F. R. Doc. 57-1352; Filed, Feb. 20, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404-79th Congress, 60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 383, 25 U. S. C. 385; 39 Stat. 1942; and 43 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of intention to modify § 130.30 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project to read as follows:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Irrigation Project in Montana are (a) for the Milk River and White Bear Units, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $2.65 per acre for the year 1957 and thereafter until further notice, (b) for the Peoples Creek (Hays), Brown, Ereaux and Three-Mile Units, hereby fixed at $2.00 per acre for the year 1957 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to, Area Director, U. S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-1350; Filed, Feb. 20, 1957; 8:45 a. m.]

[25 CFR Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of intention to modify §§ 130.16 and 130.17 of Title 25 of the Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts as follows:

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.69 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-nine cents ($1.79) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.30 per acre, for the season 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents ($2.20) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.20 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of $2.13 per acre foot or fraction thereof.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to Area Director, U. S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-1351; Filed, Feb. 20, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

[Docket No. AO-85-A3]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 57-544, appearing at page 476 of the issue for Thursday, January 24, 1957, that portion of § 933.53 (a) preceding the proviso should read as follows:

§ 933.53 *Inspection and certification.* (a) Whenever the handling of any variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior thereto, cause each lot of such variety to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation:

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11893]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; LONGVIEW-DENTON, TEX.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments* governing television broadcast stations (Longview-Denton, Texas).

1. The Commission has before it for consideration a petition filed February 11, 1957, by O. L. Nelms, DB/A Brownwood Television Company, requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of two weeks or until February 25, 1957.

2. In support of its request petitioner alleges that the counterproposal of Brown County Broadcasting Company was filed January 30, 1957, but did not come to the attention of the petitioner until February 7, 1957; therefore making it impossible to evaluate the counterproposal and its effects upon petitioner's UHF operation within the time allowed in this proceeding.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding.

4. In view of the foregoing: *It is ordered,* That the time for filing reply comments in the above-entitled proceeding is extended from February 11, 1957 to February 25, 1957.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 57-1356; Filed, Feb. 20, 1957; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 23, 69, 128, 157, 208]

[File No. 21-515]

TRADE PRACTICE RULES FOR JEWELRY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Jewelry Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 15, 1957. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., March 15, 1957, in the Hotel Biltmore (Rooms 108-19-23), Madison Avenue at Forty-third Street, New York City, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Rules approved and promulgated by the Commission in this proceeding will supplant rules heretofore promulgated by the Commission for the Educational Jewelry Industry, the Wholesale Jewelry Industry, the Pearl, Cultured Pearl, and Imitation Pearl Industry, the Diamond Industry, and the Catalog Jewelry and Giftware Industry (with respect to jewerly items covered thereby) (16 CFR Parts 69, 128, 208, 23, and 157, respectively), and result in termination of pending proceedings for the establishment of rules relating to use of the terms "Gold," "Karat," and "Solid" in describing articles or parts of articles which are solidly and throughout of an alloy of gold, and rules for the Low and Medium-Priced Jewelry Industry.

The proposed rules as published by the Commission would have application to persons, firms, corporations, or organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of (1) any kind or type of jewelry products; or (2) of unset diamonds, pearls, or cultured pearls, whether finished, semifinished, or in the rough, which are designed for a jewelry, as distinguished from an industrial, use. They do not have application to watches, watch cases, or wrist watch bands.

Issued: February 18, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-1365; Filed, Feb. 20, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 13, 1957.

In exchanges of lands made under the provision of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 12 N., R. 11 W.,
Sec. 3: All;
Sec. 7: W½.
T. 5 S., R. 3 W.,
Sec. 22: NW¼NW¼.
T. 6 S., R. 3 W.,
Sec. 2: E½NE¼, SW¼NE¼.
T. 7 S., R. 3 W.,
Sec. 8: SE¼, SE¼NE¼ (minus 12 acres for road R/W);
Sec. 9: W½SW¼, SW¼NW¼;
Sec. 17: N½.
T. 7 S., R. 6 W.,
Sec. 3: SW¼NW¼;
Sec. 4: SE¼NE¼;
Sec. 13: S½SW¼;
Sec. 24: NW¼, N½SW¼, E½.
T. 15 S., R. 5 W.,
Sec. 34: NW¼NW¼.
T. 17 S., R. 8 W.,
Sec. 17: NW¼;
Sec. 18: NE¼NE¼;
Sec. 21: S½.
T. 18 S., R. 8 W.,
Sec. 9: Lot 2.
T. 18 S., R. 9 W.,
Sec. 12: NE¼NE¼;
Sec. 36: SE¼NW¼.
T. 22 S., R. 6 W.,
Sec. 20: SW¼, S½NW¼;
Sec. 29: W½NW¼.
T. 25 S., R. 9 W.,
Sec. 33: NE¼.
T. 25 S., R. 11 W.,
Sec. 22: W½;
Sec. 24: S½;
Sec. 25: N½;
Sec. 27: E½;
Sec. 28: N½.
T. 26 S., R. 9 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, SW¼NE¼, SE¼NW¼.
T. 33 S., R. 5 W.,
Sec. 4: SE¼SW¼;
Sec. 9: NE¼NW¼.
T. 35 S., R. 13 W.,
Sec. 8: W½.
T. 37 S., R. 5 W.,
Sec. 22: W½NE¼, SE¼NE¼.
T. 15 S., R. 10 E.,
Sec. 10: E½SE¼, NW¼SE¼;
Sec. 11: W½SW¼.
T. 15 S., R. 11 E.,
Sec. 34: E½SE¼;
Sec. 35: N½SW¼, W½NW¼.
T. 23 S., R. 19 E.,
Sec. 28: SE¼, S½SW¼, NE¼SW¼;
Sec. 33: NW¼, NE¼NE¼, N½SW¼, W½NE¼.

The above tracts aggregate 7,119.14 acres.

The tracts described above are widely scattered parcels. The character of the lands is predominantly desert or semi-desert.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened

to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on March 21, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 20, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on June 20, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on June 20, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 777, Salt Lake City, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57–1353; Filed, Feb. 20, 1957; 8:45 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 15, 1957.

Pursuant to a determination issued January 17, 1957, Docket No. DA–120–Utah, by the Federal Power Commission, and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes, are hereby restored from the power site classification to the extent necessary to permit the State Highway Commission of Utah to obtain a right-of-way under the act of November 9, 1921 (42 Stat. 212), for a material site, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SALT LAKE MERIDIAN, UTAH

T. 40 S., R. 21 E.,
Sec. 26: NE¼NE¼;
Sec. 27: SE¼SE¼.

These lands are in Utah Grazing District No. 6 and are withdrawn in Power Site Classification No. 219, approved May 13, 1929.

This restoration is limited to the purpose stated above and does not restore the land to disposition under the public land laws, and is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Post Office Box No. 777 or Room 312, Federal Building, Salt Lake City, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57–1354; Filed, Feb. 20, 1957; 8:46 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 15, 1957.

The United States Forest Service, Department of Agriculture has filed an application, Serial No. BLM 034316 (SD), for the withdrawal of the land described below, from location and entry under the general mining laws. The applicant desires the land for use as an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Pactola Administrative Site:
T. 2 N., R. 5 E.,
Sec. 25: W½W½;
Sec. 26: NE¼, N½SE¼.

Total area 400 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57–1355; Filed, Feb. 20, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED CARPETING

MARKING OF COUNTRY OF ORIGIN

FEBRUARY 18, 1957.

The Bureau of Customs has ruled that imported carpeting which is to be cut prior to or at the time of sale to ultimate purchasers, unless otherwise excepted from marking pursuant to one or more of the exceptions set forth in section 304 (a) (3) of the Tariff Act of 1930, as amended (19 U. S. C. 304 (a) (3)), shall be legibly and conspicuously marked with the English name of the country of origin at each corner at the beginning of the roll and at each corner at the end of the roll by the use of a tag or other suitable method whereby the name of the country of origin may be seen without the carpeting being unrolled.

Treasury Decision 54191 (1) setting forth certain requirements for the marking of imported carpeting is being revoked.

This requirement applies only to such carpeting entered for consumption or for warehousing after 90 days from the date of publication of an abstract of that decision in the weekly Treasury Decision.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57–1377; Filed, Feb. 20, 1957; 8:51 a. m.]

[363.2]

IMPORTED WOVEN WIRE CLOTH

MARKING OF COUNTRY OF ORIGIN

FEBRUARY 18, 1957.

The Bureau has ruled that imported woven wire cloth, not otherwise excepted from marking under one of the exceptions set forth in section 304 (a) (3), Tariff Act of 1930, as amended, must be legibly and conspicuously marked with the English name of the country of origin at each corner at the beginning of the roll and at each corner at the end of the

roll by the use of a tag or other suitable method whereby the name of the country of origin may be seen without the woven wire cloth being unrolled. This requirement is to become effective at the expiration of 90 days from the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1378; Filed, Feb. 20, 1957; 8:51 a. m.]

[424.34]

UNFINISHED LATCH NEEDLES

TARIFF CLASSIFICATION

The Bureau by its letter to the collector of customs at St. Albans, Vermont, dated May 23, 1956, ruled that unfinished latch needles are classifiable under the provision for latch needles in paragraph 343, Tariff Act of 1930, as modified, with duty at the rate of $1 per thousand plus 30 percent ad valorem, rather than under the provision for articles of metal, not specially provided for, in paragraph 397, Tariff Act of 1930, as modified, with duty at the rate of 22½ (currently 21) percent ad valorem.

This decision results in the assessment of duty at a rate higher than that which has heretofore been assessed under an established and uniform practice and will be effective only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1379; Filed, Feb. 20, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Berrien	Jenkins
Cook	Screven

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 18th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1384; Filed, Feb. 20, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8229 et al.]

CAPITAL AIRLINES, INC.; CAPITAL FAMILY PLAN CASE

NOTICE OF HEARING

In the matter of the proposal of Capital Airlines, Inc., to permit family fare travel on additional days of the week.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 5, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Ave. NW., Washington, D. C., before Examiner Merritt Ruhlen.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1381; Filed, Feb. 20, 1957; 8:51 a. m.]

[Docket No. 8456 et al.]

CAPITAL AIRLINES, INC.; CAPITAL GROUP STUDENT FARES

NOTICE OF HEARING

In the matter of group student fares proposed by Capital Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 5, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Ave., NW., Washington, D. C., before Examiner Merritt Ruhlen.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1382; Filed, Feb. 20, 1957; 8:52 a. m.]

[Docket No. 8501]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of its foreign air carrier permit to engage in foreign air transportation with respect to persons, property and mail, between points in the Bahamas and the co-terminal points Miami and Palm Beach, Florida.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 4, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1383; Filed, Feb. 20, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11883, 11884; FCC 57M-135]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING CONFERENCE

In the matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1542/1543-C1-P-56; and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165-C1-P-57; for construction permits to point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

It is ordered, This 14th day of February 1957, on the Hearing Examiner's own motion, that the pre-hearing conference presently scheduled herein for February 15, 1957, be, and the same is hereby, continued to February 18, 1957, commencing at 10:00 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1357; Filed, Feb. 20, 1957; 8:46 a. m.]

[Docket Nos. 11934, 11935; FCC 57-146]

TEXAS TECHNOLOGICAL COLLEGE AND C. L. TRIGG

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Texas Technological College, Lubbock, Texas; Docket No. 11934, File No. BPCT-2183; C. L. Trigg, Lubbock, Texas; Docket No. 11935, File No. BPCT-2185; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957:

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Lubbock, Texas; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the two applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that each of the applicants filed timely replies; that Texas Technological College requested an additional sixty days within which to file information relative to its authority to engage in television broadcasting; that the Commission is of the opinion that in the interest of expedition the request for extension should be denied, since leave to amend may be granted for good cause after designation for hearing; and

It further appearing that upon due consideration of the above-captioned applications and the aforementioned replies, the Commission finds that Texas Technological College is financially, technically and otherwise qualified to construct, own and operate a television broadcast station and legally so qualified except as to issue (1) below; that C. L. Trigg is legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Texas Technological College, and C. L. Trigg are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Texas Technological College has legal authority to engage in television broadcasting.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the above-referenced request of Texas Technological College for an extension of time to file additional information is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, Texas Technological College and C. L. Trigg, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1358; Filed, Feb. 20, 1957; 8:46 a. m.]

[Docket Nos. 11936, 11937; FCC 57-147]

GEORGE A. MAYORAL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George A. Mayoral and William Cortada, a partnership, Ponce, Puerto Rico; Docket No. 11936, File No. BPCT-2049; Portorican-American Broadcasting Company, Inc., Ponce, Puerto Rico; Docket No. 11937, File No. BPCT-2223; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Ponce, Puerto Rico; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that George A. Mayoral and William Cortada, a partnership, are legally, technically and financially qualified to construct, own and operate a television broadcast station and are otherwise qualified except as to Issue "1" below; that Portorican-American Broadcasting Company, Inc., is legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of George A. Mayoral and William Cortada, a partnership, and Portorican-American Broadcasting Company, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether a grant of the application of George A. Mayoral and William Cortada would be consistent with the provisions of § 3.636 (a) (1) of the rules, in view of the fact that George A. Mayoral owns one percent of the stock of Supreme Broadcasting Company, Inc., of Puerto Rico, licensee of television broadcast station WORA-TV, Mayaguez, and is Executive Vice President thereof.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, George A. Mayoral and William Cortada, and Portorican-American Broadcasting Co., Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1359; Filed, Feb. 20, 1957; 8:47 a. m.]

[Docket Nos. 11938, 11939; FCC 57-148]

GOLD COAST BROADCASTERS AND GOLD COAST RADIO, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James C. Dean, C. Robert Clark and Charles W. Stone d/b

as Gold Coast Broadcasters, Pompano Beach, Florida; Docket No. 11938, File No. BP–10631; Gold Coast Radio, Inc., Pompano Beach, Florida; Docket No. 11939, File No. BP–10782; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957;

The Commission having under consideration the above-captioned applications of James C. Dean, C. Robert Clark and Charles W. Stone d/b as Gold Coast Broadcasters and Gold Coast Radio, Inc., each for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 5 kilowatts, directional antenna, daytime only, at Pompano Beach, Florida;

It appearing that both applicants are legally, technically, financially and otherwise qualified except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that it has not yet been determined whether either proposed antenna would constitute a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated December 4, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna proposed by either applicant would constitute a hazard to air navigation.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service of each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Gold Coast Broadcasters and Gold Coast Radio, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–1360; Filed, Feb. 20, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–11992]

SUNRAY MID-CONTINENT OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Sunray Mid-Continent Oil Company (Sunray), on January 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. Notice of Change dated January 8, 1957.

Purchaser. Natural Gas Pipeline Company of America.

Rate schedule designation. Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 114.

Effective date.[1] March 21, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 15, 1957.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1361; Filed, Feb. 20, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sunray, if later.

[Docket Nos. G–10425, G–10842]

PACIFIC NORTHWEST PIPELINE CORP. AND AMERICAN METAL CO. LTD.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that on May 18, 1956, Pacific Northwest Pipeline Corporation (Pacific) filed at Docket No. G–10425 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 6.2 miles of 6⅝-inch O. D. lateral supply pipeline to extend from a point on Pacific's existing 26-inch main transmission line in Mesa County, Colorado, to a point in the Bar-X Field, Grand County, Utah, and Mesa County, Colorado, together with necessary appurtenances. Pacific states that these proposed facilities will enable it to purchase and receive natural gas produced in the Bar-X Field by The American Metal Company, Operator (American Metal). The estimated total cost of the proposed facilities is $134,290, which cost is to be financed from available funds.

On August 1, 1956, American Metal filed at Docket No. G–10842 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the aforesaid sale of gas to Pacific to be made pursuant to a gas sales contract dated March 29, 1956, between Pacific and American Metal. Said contract's primary term extends to December 31, 1976.

American Metal filed the application at Docket No. G–10842 as the operator of the leases involved. It lists the interest owners, all of whom are seller signatory parties to the said contract, and their respective fractional working interests in the subject acreage, as follows:

American Metal—¼
Climax Molybdenum Company—¼
Frontier Refining Company—½

American Metal states that its facilities consist only of customary lease equipment; proposed deliveries will be made at wellheads.

Pacific will transport the gas received from American Metal, commingled with its other gas supplies for sale in other states.

Pacific alleges that no additional markets are proposed to be served by it

[2] Commissioner Digby dissenting.

other than those previously authorized by the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1957, at 9:30 a. m. (e. s. t.), in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Issued: February 15, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1362; Filed, Feb. 20, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[24W-1961]

PRODUCERS FUEL CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 15, 1957.

I. Producers Fuel Company, a Delaware corporation, with principal offices located at 1111 Keystone Building, Pittsburgh 22, Pennsylvania, having filed with the Commission on July 16 and 23, 1956, a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 60,000 shares of $5 par Capital Stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect to such Notification in that:

1. The sale, by the predecessor and affiliate of the issuer, of an undetermined amount of securities which were sold within one year prior to the date of filing said Notification, has not been disclosed in item 3 thereof; and

2. The aggregate offering price of the securities proposed to be offered and the securities of the issuer's predecessor and affiliate sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering exceeds the $300,000 limitation prescribed by Rule 217 of Regulation A.

B. That the Offering Circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The leases, and interests therein, which are to be owned by the issuer;

2. The extent of the proven oil and gas reserves on properties covered by such leases;

3. The actual production of oil and gas from such properties; and

4. The oil and gas recovery methods to be employed thereon by the issuer.

C. That the use of said Offering Circular in connection with the offering of the issuer's securities would operate as a fraud or deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1368; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 70-3501]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING OF SUPPLEMENTAL DECLARATION REGARDING PROPOSAL TO ENTER INTO GAS PURCHASE CONTRACT WITH A NON-AFFILIATE

FEBRUARY 15, 1957.

By order issued December 5, 1956 (Holding Company Act Release No. 13328), the Commission permitted a declaration, as amended, filed by Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company to become effective pursuant to section 7 of the Public Utility Holding Company Act of 1935. The declaration, as amended, related to a proposal by Public Service to enter into a gas fuel purchase contract with Transok Pipe Line Company ("Transok"), a non-affiliated intrastate natural gas pipe line company. The Commission determined that the provisions of the contract constituted a guaranty by Public Service of certain bonds of Transok.

The gas fuel purchase contract provided, among other things, (a) that upon the breach of any of the terms thereof, Public Service, at the election of, and upon the demand of, the trustee under Transok's bond indenture, was obligated to lease or purchase Transok's pipe line system (as defined in the contract), and, as full payment therefor, to pay, as rental or purchase price, an amount equal to all amounts then or thereafter payable for principal, interest, and otherwise, upon the then outstanding bonds of Transok, such payments to be made to the trustee when and as payable by the terms of the bonds; and (b) that, subject to its ability to make satisfactory financial arrangements, Transok was obligated, upon the request and approval of Public Service, to construct such additional pipe lines and related facilities connecting the pipe line system with Public Service's electric generating stations, or with additional sources of gas supply, as might be necessary to enable Transok to supply the requirements of Public Service's electric generating stations.

At the time of the issuance of the December 5, 1956 order, Transok had constructed its main pipeline system in connection with which it had issued $13,500,000 principal amount of bonds, and it then contemplated the immediate issuance of $1,550,000 principal amount of additional bonds to procure funds for the construction of a pipeline to connect its system with an additional gas supply in Hughes County, Oklahoma.

Notice is hereby given that Public Service has filed a supplemental declaration stating that (a) it is proposed to modify the gas fuel purchase contract to provide that, in the event it is required, because of a breach of the contract, to purchase the Transok pipeline system, it shall pay the trustee under Transok's bond indenture, 90 days after demand by the trustee (or such earlier date as Public Service designates by a 35-day notice) an amount equal to the sum of the unpaid principal of the bonds (as defined in the contract) of Transok then outstanding, plus all premiums and all sums due as accrued interest to the date of payment; and (b) Transok presently contemplates the issuance and sale of $4,000,000 principal amount of additional bonds (including the $1,550,000 of bonds above mentioned) to provide funds for the construction of additional pipelines and related facilities.

The declaration as supplemented further states that no State or Federal

commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than February 28, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such hearing and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the supplemental declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1369; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 70-3555]

CENTRAL AND SOUTH WEST CORP. ET AL

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF COMMON STOCK BY REGISTERED HOLDING COMPANY AND RETIREMENT OF OUTSTANDING NOTES; AND REGARDING ISSUANCE AND SALE TO PARENT OF ADDITIONAL COMMON STOCK BY SUBSIDIARIES

FEBRUARY 15, 1957.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company, File No. 70-3555.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and three of its public utility subsidiaries, Central Power and Light Company ("Power"), Public Service Company of Oklahoma ("Public Service") and Southwestern Gas and Electric Company ("Southwestern"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"); and have designated sections 6, 7, 9, 10 and 12 (f) of the act, and Rules U-42, U-43, U-50 and U-100 promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to issue and sell, to or through underwriters or investment bankers who shall have agreed promptly to make a public offering thereof, 600,000 additional shares of its $5 par value common stock, at competitive bidding pursuant to Rule U-50 of the rules and regulations promulgated under the act.

The net proceeds received by Central from the sale of the 600,000 additional shares of common stock will be applied by Central to the prepayment, without premium or penalty, of $7,500,000 principal amount of 3½ percent bank loan notes due March 1, 1958, and to the purchase, at the par value thereof, of additional shares of the common stocks of Power, Public Service and Southwestern of the aggregate par amount of $10,500,000. Any excess of such proceeds over $18,000,000 may be used to purchase additional shares of the common stock of one or more of Central's four principal subsidiaries (subject to further approval of the Commission), or for general corporate purposes.

Public Service proposes to amend its Articles of Incorporation to increase from 4,000,000 to 6,000,000 the number of shares of its authorized $10 par value common stock, of which there are outstanding 3,900,000 shares.

Power, Public Service, and Southwestern, respectively, propose to issue and sell to Central, and Central proposes to acquire for cash, at the par value thereof, additional shares of common stock as follows:

(a) Power, 250,000 shares, par value $10 per share, for $2,500,000;

(b) Public Service, 400,000 shares, par value $10 per share, for $4,000,000;

(c) Southwestern, 400,000 shares, par value $10 per share, for $4,000,000.

Power, Public Service, and Southwestern will use the proceeds received from the issue and sale of their common stocks to finance in part the cost of their construction programs.

The joint application-declaration states that the Corporation Commission of Oklahoma has jurisdiction over the proposed issuance and sale of common stock by Public Service; but that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The estimated fees and expenses to be incurred by Central in connection with the proposed issue and sale of its common stock aggregate $50,000, including counsel fees of Stevenson, Dendtler, Bailey & McCabe of $10,000, fees of local counsel of $800, accountant's fee $5,000, and service company fee of $7,000. The fees and expenses of independent counsel for underwriters are estimated at $7,000 and $500 respectively, and are to be paid by the purchasers of the Central stock. The fees and expenses to be incurred by Central in connection with the acquisition of the subsidiary stocks are estimated at $200.

The fees and expenses to be incurred by the subsidiaries in connection with their proposed issuances and sales of common stock are estimated as follows: Power $3,000; Public Service $25,000 (including $20,000 to the State of Oklahoma as increased capital stock authorization fee); and Southwestern $4,700.

Notice is further given that any interested person may, not later than March 1, 1957, request the Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such hearing and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules U-20 (a) and U-100 thereof, or take such other action as is deemed by it appropriate.

By the Commission:

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1370; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 812-1063]

WISCONSIN FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AN AFFILIATE

FEBRUARY 15, 1957.

Notice is hereby given that Wisconsin Fund, Inc. ("Wisconsin"), a registered open-end, diversified investment company, has filed an amended application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) the purchase by Wisconsin of not to exceed $100,000 principal amount of first mortgage bonds, 4½ percent, due January 1, 1987 of Atlantic City Electric Company from The Milwaukee Company ("Milwaukee"), a registered broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934 and the holder of all the outstanding stock of Wisconsin's investment adviser.

The application states that on January 23, 1957, $10,000,000 principal amount of said bonds of Atlantic City Electric Company were offered to the public through underwriters at a public offering price of 101.656 percent per unit, which included an underwriting discount of .546 percent. Milwaukee purchased $100,000 principal amount of said bonds at the public offering price less a dealers' commission of ⅛ of 1 percent and Wisconsin now proposes to acquire such bonds from Milwaukee at the unit price of 101.656 percent. The entire offering was oversubscribed, and the market price of the bonds on January 28, 1957 was 101¾ paid and 102 asked.

Since Edgar, Ricker & Co. ("Edgar, Ricker"), the investment adviser and manager of Wisconsin is a wholly-owned subsidiary of Milwaukee, Milwaukee is an affiliated person of Wisconsin.

The application states that the fee to be earned by Milwaukee is the same as it would earn on a sale to any buyer and the price to be paid by the Applicant is the same as it would pay regardless of from whom it purchased the bonds, that the consideration is reasonable and fair, and does not involve overreaching on the part of any person concerned.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

It is Wisconsin's policy to invest its funds largely in common stocks, with investments in bonds and preferred stocks made, however, whenever and to the extent deemed advisable. The application states that the decision to purchase the bonds was made by Wisconsin's Investment Committee, which has five members, none of whom is connected with Milwaukee. The Committee, it is stated, deemed the purchase of the bonds desirable because of the high quality of the bonds and the attractive yield of 4.40 percent.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1371; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 812-1066]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

FEBRUARY 15, 1957.

Notice is hereby given that Gas Industries Fund, Inc. ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the Applicant of not to exceed $600,000 principal amount of 4¼ percent Convertible Subordinated Debentures due 1987 of Phillips Petroleum Company ("Phillips").

Phillips is now offering to the holders of its outstanding common stock rights to subscribe for $171,720,200 aggregate principal amount of the above-mentioned Debentures at the rate of $100 principal amount of Debentures for each 20 shares of common stock held of record on February 7, 1957, such rights to expire on February 25, 1957.

Applicant states that The First Boston Corporation is acting as Representative of and is among a group of underwriters who have agreed to purchase from the Company such of the Debentures as are not subscribed for pursuant to the subscription offers. James H. Orr, one of four directors of the Applicant, is a director, and therefore an affiliated person of The First Boston Corporation.

The directors of Applicant have authorized the purchase by Applicant of not exceeding $600,000 principal amount of the Debentures, subject to market conditions at the time of such purchases at the public offering price, from any of the underwriters or members of the selling group, except that no such purchase shall be made from The First Boston Corporation.

If the Applicant were to purchase the entire $600,000 principal amount of debentures authorized by its Directors, it would acquire approximately .349 percent of the total offering, and assuming a price of 100 percent (the proposed subscription price), the purchase would represent an investment of $600,000 or approximately 1 percent of the total assets of the Applicant as at December 31, 1956.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since a director of The First Boston Corporation, a participant in the underwriting group, is a director of the applicant, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1372; Filed, Feb. 20, 1957; 8:50 a. m.]

[File No. 812-1067]

COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

FEBRUARY 15, 1957.

Notice is hereby given that The Colonial Fund, Inc. ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the Applicant of an aggregate of not to exceed $300,000 principal amount of 4¼ percent Convertible Subordinated Debentures due 1987 of Phillips Petroleum Company ("Phillips").

Phillips is now offering to the holders of its outstanding common stock rights to subscribe for $171,720,200 aggregate principal amount of the above-mentioned Debentures at the rate of $100 principal amount of Debentures for each 20 shares of common stock held of record on February 7, 1957, such rights to expire on February 25, 1957. Application states that the First Boston Corporation is acting as Representative of and is among a group of underwriters which also includes Estabrook & Co. and Stone & Webster Securities Corporation, who have agreed to purchase from the Company such of the Debentures as are not subscribed for pursuant to the subscription offers. James H. Orr and Stedman Buttrick, two of the seven directors of Applicant, are a director of The First Boston Corporation and a partner of Estabrook & Co., respectively, investment banking organizations which participate in the underwriting of securities. Russell Robb, one of the three members of the Advisory Board of Applicant is a director of Stone and Webster, Incorporated, of which Stone & Webster Securities Corporation, also an investment banking organization which participates in the underwriting of securities, is a subsidiary.

The directors of Applicant have authorized the purchase by Applicant of not exceeding $300,000 principal amount of Debentures, subject to market conditions of the terms of such purchase, at the public offering price, from any of

the underwriters or members of the selling group except that no such purchase shall be made from the First Boston Corporation, Estabrook & Co. or Stone & Webster Securities Corporation.

If Colonial were to purchase the entire $300,000 principal amount of Debentures authorized by its Directors, it would acquire approximately .175 percent of the total offering, and assuming a price of 100 percent (the proposed subscription price), the purchase would represent an investment of $300,000 or approximately .7 percent of the total assets of Colonial as at December 31, 1956.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since two of the Directors and one member of the Advisory Board of the Applicant are affiliated persons of the participants in the underwriting group, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1373; Filed, Feb. 20, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Organization Order DTA 2, as amended; Revocation]

ESTABLISHMENT AND FUNCTIONS OF INTER-AGENCY ADVISORY COMMITTEE

REVOCATION

Organization Order DTA 2, as amended (16 F. R. 585, 18 F. R. 4768), is hereby revoked.

(64 Stat. 816; 70 Stat. 409; 50 U. S. C. App. Supp. 2154, 2166 (a); Organization Order DTA-1, as amended June 27, 1955, 15 F. R. 6728, 20 F. R. 4550; 20 F. R. 4780)

This revocation is effective immediately.

Issued at Washington, D. C., this 15th day of February 1957.

[SEAL] KENNETH H. TUGGLE,
Commissioner of the Interstate Commerce Commission.

[F. R. Doc. 57-1375; Filed, Feb. 20, 1957; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

CERTAIN OFFICES

Section I, Description of Agency and Programs, is amended as follows:

Paragraph D1 is amended to read as follows:

1. The Commissioner is responsible for the administration of all programs of the PHA. In addition to the staff officials enumerated below, the Commissioner has Special Assistants in the fields of defense planning, compliance, labor relations, liaison, and racial relations.

Paragraphs G2, G3, G4, and G7 are amended to read as follows:

2. *Chicago Regional Office.* Illinois, Indiana, Iowa, Kansas (Liquidating Emergency Housing Program only), Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. *Fort Worth Regional Office.* Arkansas, Colorado, Kansas (except Liquidating Emergency Housing Program), Louisiana, Missouri, New Mexico, Oklahoma, Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

4. *New York Regional Office.* Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Public Housing Administration, 346 Broadway, New York 13, New York.

7. *Washington Regional Office.* Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Public Housing Administration, Washington 25, D. C.

Date approved: February 14, 1957.

[SEAL] JOHN D. CURRIE,
Acting Commissioner.

[F. R. Doc. 57-1367; Filed, Feb. 20, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal No. 229]

LIQUID OXYGEN AND LIQUID NITROGEN FOR DEFENSE USE

EXPANSION GOAL

An expansion goal for capacity to produce and deliver liquid oxygen and liquid nitrogen for defense requirements is hereby set at 4,000 million cubic feet year year.

Dated: February 18, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1348; Filed, Feb. 20, 1957; 8:45 a. m.]